

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-MC-50571

v.

Hon. John Corbett O'Meara

CARL LESLEY,

Defendant,

and

STATE OF MICHIGAN  
DEPARTMENT OF TREASURY,

Garnishee.

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**ORDER DENYING DEFENDANT'S REQUEST  
FOR HEARING AND CLAIM FOR EXEMPTIONS**

This is a miscellaneous matter in which the government has filed an application for writ of continuing garnishment. Defendant Carl Lesley was convicted of theft of government money on March 31, 2015. The court sentenced him to serve 33 months in prison and to pay \$126,834 in restitution.

The government is attempting to collect Defendant's restitution obligation pursuant to the Federal Debt Collection Procedure Act, 28 U.S.C. § 3201, *et seq.*

The government has served a writ of continuing garnishment on the Michigan Department of Treasury for any income tax refunds due to Defendant. Defendant has filed a request for hearing and claim for exemptions.

Under the circumstances presented here, the issues to be considered at a hearing are limited by §3202(d) to (1) the probable validity of any claim of exemption, or (2) the government's compliance with statutory requirements. 28 U.S.C. § 3202(d). Defendant does not argue that the government failed to comply with statutory requirements. Further, his asserted exemptions (wearing apparel, personal effects, books, unemployment benefits, mail, pension payments, workmen's compensation, child support, etc.) do not include or encompass income tax refunds. Defendant's claim for exemptions is not valid on its face.

Defendant has not presented a legal basis to object to the garnishment pursuant to 28 U.S.C. § 3202(d). Accordingly, a hearing is not required. See United States v. Miller, 588 F. Supp.2d 789, 797 (W.D. Mich. 2008) ("courts have denied a hearing where the debtor did not object based on one of the issues specified in 28 U.S.C. § 3202(d), where the objection is plainly without merit, or where the objection was simply a matter of statutory interpretation").

IT IS HEREBY ORDERED that Defendant's request for hearing about the garnishment and claim for exemptions is DENIED.

s/John Corbett O'Meara  
United States District Judge

Date: October 13, 2015

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 13, 2015, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager